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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,491	11/21/2001	Risto Kiviranta	2201-1-006	3193

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KLAUBER & JACKSON  
411 HACKENSACK AVENUE  
HACKENSACK, NJ 07601

EXAMINER
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SCHIFFMAN, JORI

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/991,491

Applicant(s)

KIVIRANTA ET AL.

Examiner

Jori R. Schiffman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: Regarding claim 1, the word "means" is preceded by the word "biasing" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the words preceding "means," it is impossible to determine the equivalents of the element. The examiner suggests inserting the word "for" after the word "means". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. Claims 1, 3, 6, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding the claims, it remains unclear whether the applicant intends to claim merely the fastener or the combination of the fastener and the roller. Specifically, the preamble as well as the body of claim 1 include language directed to a roller. Claims 3, 6, and 12 also further limit the specifics of the roller and bearing. In direct contrast to this, it appears that applicant intends to claim merely the fastener as recited in the amendment, page 4, paragraph 4. The claims were examined as best understood.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Duran (US 4655657).

Regarding claim 1, Duran discloses a fastener comprising a spindle 18, the spindle 18 having a large diameter portion 12 and a reduced diameter spindle extension 18 (compared to the increased diameter portion 12) formed with a cylindrical cavity 19, having its wall provided with at least one opening 17, a holder element 15 being adapted to move therein between clamping and release positions, respectively protruding through the at least one opening to protrude from the outer surface of the spindle capable of retaining a roller to the spindle and not protruding from the outer surface of the spindle, a pusher 25 adapted to be movably located within the cylindrical cavity and being movable between clamping and release positions thereof, and the pusher being formed with a thrust face 32 for the holder element 15, and a biasing means 35 biasing the pusher to shift from its release position to its clamping position, the thrust face of the pusher moves the at least one holder element 15 from its release position to its clamping position protruding from the outer surface of the spindle capable of retaining a roller to the spindle, and a plunger 38, whereby the pusher is movable against the force of the biasing means from its clamping position to its release position, the holder element being thus capable of shifting from its clamping position to its release position. With respect to the roller, after reviewing applicant's remarks, applicant has indicated that only the fastening mechanism is intended to be claimed. Therefore, any claim language directed to the

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roller is considered intended use and Duran's fastener would be capable of such an intended use.

As to claim 2, Duran discloses the pusher having its clamping position and release position axially spaced from each other, and the thrust face 32 is at an acute angle relative to the longitudinal axis of the spindle.

Regarding claim 7, Duran discloses the acute angle between the thrust face and the longitudinal axis increase towards the distal end of the pusher, and the thrust face section with a smaller angle bears against the holder element in the clamping position of the latter.

Referring to claim 8, Duran discloses the holder element comprising a ball 15.

As to claim 9, Duran discloses the number of holder elements 14, 15 and complimentary openings 16, 17 in the wall of the cavity being more than one, spaced from each other by an angular distance.

In regards to claim 10, Duran discloses the power unit comprising a mechanical spring 35, a section of its length being fitted in a cavity established with the pusher.

Regarding claim 11, Duran discloses the cavity 19 being cylindrical and the pusher comprising a piston element.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4 and 6-12 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Ross (US 1975296) in view of Duran (US 4655657).

Since it remains unclear whether applicant intends to claim only the fastener or the combination of the fastener and the roller, the 103 rejection from the previous Office Action stands. Regarding claim 1, Ross discloses a fastener for a roller 1 rotatable about a spindle 8 and provided with a circular groove 3. Ross fails to disclose the particulars of the claimed fastener. Duran teaches a fastener comprising a spindle 18, the spindle 18 having a large diameter portion 12 and a reduced diameter spindle extension 18 (compared to the increased diameter portion 12) formed with a cylindrical cavity 19, having its wall provided with at least one opening 17, a holder element 15 being adapted to move therein between clamping and release positions, respectively protruding through the at least one opening to protrude from the outer surface of the spindle capable of retaining a roller to the spindle and not protruding from the outer surface of the spindle, a pusher 25 adapted to be movably located within the cylindrical cavity and being movable between clamping and release positions thereof, and the pusher being formed with a thrust face 32 for the holder element 15, and a biasing means 35 biasing the pusher to shift from its release position to its clamping position, the thrust face of the pusher moves the at least one holder element 15 from its release position to its clamping position protruding from the outer surface of the spindle capable of retaining a roller to the spindle, and a plunger 38, whereby the pusher is movable against the force of the biasing means from its clamping position to its release position, the holder element being thus

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capable of shifting from its clamping position to its release position. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to replace the fastener of Ross with that disclosed in Duran so the mechanism can be connected to the roller with the holder elements 14,15, creating a more convenient and secure connection.

Regarding claim 3, Ross discloses the spindle comprising a stationary spindle 8 and the roller 1 being provided with a bearing 10, 11.

As to claim 4, Ross discloses the spindle comprising a rotatably pivoted spindle with respect to the roller.

As to claim 6, Duran discloses the plunger 38 comprising a push rod, extending from the cavity and having its end provided with an extension 26 having a diameter which is smaller than the inner diameter of the inner bearing 10 of Ross.

Regarding claim 7, Duran discloses the acute angle between the thrust face and the longitudinal axis increase towards the distal end of the pusher, and the thrust face section with a smaller angle bears against the holder element in the clamping position of the latter.

Referring to claim 8, Duran discloses the holder element comprising a ball 15.

As to claim 9, Duran discloses the number of holder elements 14, 15 and complimentary openings 16, 17 in the wall of the cavity being more than one, spaced from each other by an angular distance.

In regards to claim 10, Duran discloses the power unit comprising a mechanical spring 35, a section of its length being fitted in a cavity established with the pusher.

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Regarding claim 11, Duran discloses the cavity 19 being cylindrical and the pusher comprising a piston type element.

As to claim 12, modified Ross discloses none of the components needing to be removed from the mechanism for the process of replacing the rollers and the bearing.

### ***Response to Arguments***

7. Applicant argues that the Duran reference does not consider detachably affixing a roller on a spindle. However, as recited in the remarks on the previous page of the amendment, applicant intends to claim merely the fastener and not the combination of the fastener and roller. Thus, any claim language directed to the roller is considered a recitation of the intended use of the claimed invention. Claim language directed to intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). In the instant case, Duran is capable of being used with a roller of the type claim.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

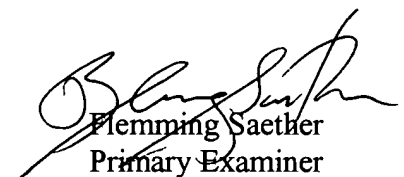
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jori R. Schiffman whose telephone number is 703-305-4805. The examiner can normally be reached on M-Th, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3179.

Jori R. Schiffman  
Examiner  
Art Unit 3679

JS  
April 7, 2003

  
Flemming Saether  
Primary Examiner